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In re Application of :
WANG *et al* :
Application No.: 10/526,445 :
PCT No.: PCT/IL2003/000723 :
Filing Date: 02 September 2003 :
Priority Date: 04 September 2002 :
Attorney Docket No.: 29374 :
For: DENATURANT STABLE AND/OR :
PROTEASE RESISTANT, :
CHAPERONE-LIKE OLIGOMERIC :
PROTEINS, POLYNUCLEOTIDES :
ENCODING SAME, THEIR USES AND :
METHODS OF INCREASING A :
SPECIFIC ACTIVITY THEREOF :

DECISION

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed 12 December 2008¹, to accept an unintentionally delayed claim under 35 U.S.C. §§120, 365(c) and 119(e) for the benefit of the prior-filed applications set forth in the concurrently filed amendment.

The renewed petition is **GRANTED**.

The present nonprovisional application was filed after 29 November 2000, and the claim herein for the benefit of priority to the prior-filed applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

- (1) the reference required by 35 U.S.C. § 120, § 119(e) and 37 CFR 1.78(a)(2) and (a)(5) to the prior-filed applications, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

¹ This decision will also act as a response to the Status Request filed April 29, 2009.

The renewed petition complies with the requirements for a grantable petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) in that: (1) the first sentence of the specification has been amended to include the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(2) and (a)(5) to the prior-filed applications; (2) the surcharge fee required by 37 CFR 1.17(t) was previously submitted; and (3) Applicants' statement in the petition filed 28 February 2008 is construed as meaning that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional." If this is incorrect, applicant **MUST IMMEDIATELY** notify the Office of PCT Legal Administration. As so construed, then item (3) is satisfied.

Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed international application accompanies this decision on petition.

This matter is being referred to Technology Center Art Unit 1656 for further action as deemed appropriate in light of this decision.

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Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.

A handwritten signature in black ink, appearing to read 'Boris Milef', written in a cursive style.

Boris Milef
Legal Examiner
Office of PCT Legal Administration